

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

ALPHA ENTERTAINMENT LLC,

Debtor.

Chapter 11

Case No. 20-10940 (LSS)

Jointly Administered

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**MOTION TO ALLOW ADMINISTRATIVE CLAIM OF WORKDAY, INC.**

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Workday, Inc. (“Workday”) hereby moves this Court to allow the administrative claims of Workday against the estate of the above-captioned debtor (the “Debtor”) for postpetition cloud technology services provided to the Debtor. In support this motion (the “Motion”), Workday respectfully states as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this matter pursuant to 27 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. The bases for the relief requested herein are sections 503 and 507 of Title 11 of the United States Code (the “Bankruptcy Code”).

**RELEVANT BACKGROUND**

**A. Case Background**

3. On April 13, 2020 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code.

4. On December 11, 2020, the Court entered an order [Docket No. 592] (the “Confirmation Order”) confirming the *2nd Amended Chapter 11 Plan of Alpha Entertainment LLC*, attached as Exhibit A to the Confirmation Order (the “Plan”).

5. The effective date of the Plan was December 22, 2020 (the “Effective Date”).

6. As provided for in Section 11.1 of the Plan and in the Confirmation Order, all requests for payment of an Administrative Claim (as defined in the Plan) arising on or after the Petition Date must be filed no later than January 21, 2021 (*i.e.*, thirty (30) days after the Effective Date).

**B. Workday Administrative Claim**

7. Workday provides the Debtor, among other things, enterprise cloud technology services (the “Services”). Workday charges the Debtor a subscription fee for these services.

8. As of the Petition Date, the Debtor owed Workday \$258,559.98 in connection for prepetition Services. On July 13, 2020, Workday filed a proof of claim (Claim No. 192-1) for amounts owed for prepetition Services.

9. Since the Petition Date, Workday has continued to provide Services to the Debtor on an uninterrupted basis. In connection with these Services, Workday issued the invoices annexed hereto as Exhibit 1 (the “Postpetition Invoices”). However, acknowledging that certain of the Postpetition Services cover the period after the Effective Date, Workday is willing to prorate the Postpetition Invoices for the period between the Petition Date and Effective. Accordingly, Workday asserts a total adjusted administrative expense claim of **\$187,152.68** (the “Administrative Claim”), as follows:

Invoice	Period	Per Diem Rate	# of Service Days	Total Balance
WD-172017	5/15/20 – 5/14/21	\$691.78	251	\$173,636.78
WD-175474	8/29/20 – 6/13/21	\$51.42	145	\$7,455.90
WD-178194	6/16/20 – 9/15/20	N/A	N/A	\$6,060.00
<b>TOTAL:</b>				<b>\$187,152.68</b>
Petition Date	4/13/2020			
Effective Date	1/21/2021			
Total Days	283			

### **BASIS FOR RELIEF**

10. Workday asserts the Administrative Claim as an administrative claim under section 503(b) of the Bankruptcy Code as “actual, necessary costs and expenses of preserving the estate.” The Services were made available to, and utilized by, the Debtor in the ordinary course of business between the Petition Date and the Effective Date for, among other things, managing the Debtor’s human resources. As of the date of this Motion, the estate continues to utilize the Services.

WHEREFORE, Workday respectfully requests that the Court enter an order allowing the Administrative Claim against the Debtor and for such other and further relief as this Court may deem just and proper.

Dated: January 21, 2021

**PACHULSKI STANG ZIEHL & JONES LLP**

/s/ Timothy P. Cairns

Timothy P. Cairns (DE Bar No. 4228)

Jason H. Rosell (CA Bar No. 269126)

919 North Market Street, 17th Floor

P.O. Box 8705

Wilmington, DE 19899 (Courier 19801)

Telephone: 302-652-4100

Facsimile: 302-652-4400

E-mail: [tcairns@pszjlaw.com](mailto:tcairns@pszjlaw.com)

[jrosell@pszjlaw.com](mailto:jrosell@pszjlaw.com)